

**Comments in Response to Localism Notice of Proposed Rulemaking
MB Docket No. 04-233**

I submit the following comments in response to the Localism Notice of Proposed Rulemaking (the "NPRM"), released Jan. 24, 2008, in MB Docket No. 04-233.

Any new FCC rules, policies or procedures may not violate First Amendment rights.

The First Amendment was adopted to prevent federal government interference that would inhibit the expression, ministry, and worship of religious groups and illustrates this in its very language.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" (in pertinent part).

The First Amendment is a shield for religious activity and essential for religious expression. Tampering with protections guaranteed under the U.S. Constitution will, as these rules do (See numbered paragraphs below), most assuredly violate the Supreme Court's "strict scrutiny" test. This test demands that government entities must use only the least restrictive means and do so in a narrowly tailored manner. The means set forth in the rule, such as appointing additional oversight, for example, are hardly the least restrictive when applied to the management of a private non-profit religious organization. Also the manner is not narrowly tailored for any distinct purpose or harm and in this overbroad manner bludgeons free religious speech and expression via the air waves. No court will likely find these rules, if adopted, acceptable under strict scrutiny.

(1) The FCC must not force radio stations, especially religious broadcasters, to take advice from people who do not share their values. The NPRM's proposed advisory board proposals would impose such unconstitutional mandates. Religious broadcasters who resist advice from those who don't share their values could face increased harassment, complaints and even loss of license for choosing to follow their own consciences, rather than allowing incompatible viewpoints to shape their programming. The First Amendment prohibits government, including the FCC, from dictating what viewpoints a broadcaster, particularly a religious broadcaster, must present.


(2) The FCC must not turn every radio station into a public forum where anyone and everyone have rights to air time. Proposed public access requirements would do so – even if a religious broadcaster conscientiously objects to the message. The First Amendment forbids imposition of message delivery mandates on any religion.

(3) The FCC must not force revelation of specific editorial decision-making information. The choice of programming, especially religious programming, is not properly dictated by any government agency – and proposals to force reporting on such things as who produced what programs would intrude on constitutionally-protected editorial choices.


(4) The FCC must not establish a two-tiered renewal system in which certain licensees would be automatically barred from routine renewal application processing. The proposed mandatory special renewal review of certain classes of applicants by the Commissioners themselves would amount to coercion of religious broadcasters. Those who stay true to their consciences and present only the messages they correspond to their beliefs could face long, expensive, and potentially ruinous renewal proceedings.

(5) Many Christian broadcasters operate on tight budgets, as do many smaller market secular stations. Keeping the electricity flowing is often a challenge. Yet, the Commission proposes to further squeeze niche and smaller market broadcasters, by substantially raising costs in two ways: (a) by requiring staff presence whenever a station is on the air and, (b) by further restricting main studio location choices. Raising costs with these proposals would force service cutbacks – and curtailed service is contrary to the public interest.


Signature


Name


Date


Address